

REMARKS

The present application relates to inbred maize plant and seed PH3PV. Claims 1-30 are pending in the present application. Claims 2, 19-22, 25-28, and 30 have been amended. Claim 16 has been canceled. No new matter has been added by way of amendment. Applicant respectfully requests consideration of the claims in view of the following remarks.

Detailed Action

Applicant has amended the specification to include the U.S. Patent No. of the parent application on page 1, lines 9-11 as requested by the Examiner. No new matter has been added.

Applicant further acknowledges that a proper form 1449 Information Disclosure Statement (IDS) is being submitted herein as requested by the Examiner.

Claim Objections

The Examiner states that "should claims 2 and 3 be found allowable, claims 5 and 6 will be objected to under 37 C.F.R. § 1.75 as being a substantial duplicate thereof". *See* Office Action, pp. 2-3.

Applicant respectfully traverses this objection. The scope of the claims in claims 2-3 and 5-6 are not the same. Claims 2 and 3 are to a maize plant or maize plant part from the seed having been deposited under ATCC Accession No. PTA-4580. In contrast, claims 5 and 6 are to a maize plant or maize plant part of an F1 hybrid maize seed crossed with a different maize plant. Further, Applicant assert claims 2-3 and 5-6 are in proper dependent form as taught in MPEP § 608.01(n) and 37 C.F.R. § 1.75(c). Moreover, Applicant are aware that in view of a meeting with the Group Director in July 2006, the Examiner's were informed that the present claim set, including claims 2-3 and 5-6, were in proper form and would be allowable as has been evidenced in analogous allowed and issued Pioneer Hi-Bred Int'l, Inc. inbred continuation cases. Applicant respectfully requests this objection be alleviated in light of the above statements.

Double Patenting

The Examiner rejects claims 1-6, 11-18, 23, 24, 28 and 29 under the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-31 of

copending U.S. Patent No. 6,737,566. The Examiner states that although the conflicting claims are not identical, they are not patentably distinct from each other. *See* Office Action, pp. 3-5.

Applicant is herein submitting a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c), which disclaims any term of a patent issuing from this application which would extend beyond the term of copending U.S. Patent No. 6,737,566.

The Examiner further rejects claims 19-22 and 25-27 under the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-30 of copending U.S. Patent No. 6,737,566 in view of Larkins (U.S. Patent No. 6,232,535). The Examiner states that although the conflicting claims are not identical, they are not patentably distinct from each other. *See* Office Action, pp. 5-7.

Applicant is herein submitting a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c), which disclaims any term of a patent issuing from this application which would extend beyond the term of copending U.S. Patent No. 6,737,566 in view of Larkins (U.S. Patent No. 6,232,535).

Therefore, Applicant submits that the claims are in proper form for allowance and respectfully request reconsideration and withdrawal of the nonstatutory obviousness-type double patenting rejections.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 2, 3, 20, 22, and 28-30 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. *See* Office Action, pp. 7-8.

The Examiner states that claim 2 is indefinite in the recitation "F1 hybrid maize seed" and that "[t]here is insufficient antecedent basis for the recitation." Although not acceding to the Examiner's rejection, in an effort to reduce the issues on appeal, Applicants have now amended claim 2 to replace the article "an" with the article "the", thus alleviating this rejection.

Claim 20 is indefinite according to the Examiner for "the article 'a' in the recitation, 'the single locus was stably inserted into a maize genome by transformation'". Although not acceding to the Examiner's rejection, in an effort to reduce the issues on appeal, Applicants have now amended claim 20 to replace the article "a" with the article "the", thus alleviating this rejection.

The Examiner states that claim 22 is indefinite in the recitation "yield enhancement" and "improved nutritional quality". Applicant respectfully traverses. "Yield Advantage" is defined on page 15 of the specification as "the yield advantage of variety #1 over variety #2". Therefore yield enhancement would be the improvement of the trait yield over another variety. Applicant asserts that genes which increase yield by increasing the plants resistance to disease, herbicides, or insects are within the scope of the claims as presented. The specification teaches multiple ways of introgressing or transforming a maize plant with various genes which confer advantageous traits desired in the plant. *See* specification, pp. 22-35. The specification also teaches many transgenes that could be inserted into the plant of claim 11. *See* specification, pp. 28-33. In addition, see U.S. Patent No. 5,936,145, issued August 10, 1999, which is prior to the filing date of the instant application. Claim 39 reads as follows: "[t]he single gene conversion of the corn plant of claim 29, where the gene confers enhanced yield stability." Thus, a single gene that confers enhanced yield stability was known in the art prior to the filing date of the instant application. One of skill in the art would recognize that it is common to transform a maize plant with various genes in order to confer desired traits to the maize plant.

Similarly, "improved nutritional quality" would represent an improvement in the nutritional quality versus another variety as described on page 21 of the specification. Further, single genes that affect nutritional quality are known in the art. Specifically genes for modified fatty acids, decreased phytate content and modified carbohydrate compositions which are disclosed in the specification on pp. 32-33. Applicant respectfully submits that one skilled in the art would thus recognize that claim 22 is adequately defined.

Claim 28 is indefinite "as the preamble of the claim indicates that the method is for developing a maize plant breeding program using plant breeding techniques...the claim does not indicate when the maize plant is developed". Applicant traverses this rejection. Applicant has obtained allowance from the Supervisory Patent Examiner, Anne Marie Grunberg, regarding claim 28 as has been evidenced in analogous allowed and issued Pioneer Hi-Bred Int'l, Inc. inbred continuation cases. Moreover, Applicant is aware that in view of a meeting with the Group Director in July 2006, the Examiner's were informed that the present claim set, including claim 28, was in proper form and would be allowable as has been evidenced in analogous allowed and issued Pioneer Hi-Bred Int'l, Inc. inbred continuation cases. Applicant respectfully requests this rejection be alleviated in light of the above statements.

In light of the above amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, second paragraph.

Rejections Under 35 U.S.C. § 112, First Paragraph

A. Written description regarding Claim 16

Claim 16 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner states "the claim is broadly drawn towards any maize seed produced by growing a hybrid maize plant, wherein the hybrid maize plant was produced by crossing a maize plant having all the morphological and physiological characteristics of maize plant PH3PV with a second maize plant". *See* Office Action, pp. 8-9.

Although not acceding to the Examiner's rejection, in an effort to expedite prosecution and reduce the issues upon appeal, Applicant has now canceled claim 16, thereby alleviating this rejection.

B. Written description regarding Claims 7-10, 19-22, 25 and 30

Claims 7-10, 19-22, 25 and 30 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. *See* Office Action, pp. 9-10.

The Examiner states that claim 7 is "drawn to an inbred maize plant cell of inbred maize line PH3PV...there is no written description support for such a seed, or plant produced therefrom, in the specification".

Applicant traverses this rejection. Applicant asserts there is adequate written description in the specification for "an inbred maize plant cell" on pages 21-22 of the specification:

As used herein, the term plant includes plant cells, plant protoplasts, plant cell tissue cultures from which maize plants can be regenerated, plant calli, plant clumps, and plant cells that are intact in plants or parts of plants, such as embryos,

pollen, ovules, seeds, flowers, kernels, ears, cobs, leaves, husks, stalks, roots, root tips, anthers, silk and the like. Specification, p. 22.

Applicant asserts that the use of this terminology would be well understood to one ordinarily skilled in the art. In addition, Applicant is aware that in view of a meeting with the Group Director in July 2006, the Examiner's were informed that the present claim set, including claim 7, were in proper form and would be allowable as has been evidenced in analogous allowed and issued Pioneer Hi-Bred Int'l, Inc. inbred continuation cases. Applicant respectfully requests this rejection be alleviated in light of the above statements.

The Examiner goes on to state that claim 19 lacks written description support for "single locus conversion". Although not acceding to the Examiner's rejection, in an effort to expedite prosecution, Applicant has amended claims 19-22 to read "single gene conversion", as supported in the specification on page 21, further defining the claims. Applicant further submits that the terms "single gene conversion" and "single locus conversion" are synonymous and would be well understood by one of ordinary skill in the art. Applicant respectfully submits that one skilled in the art would thus recognize that Applicant has adequately described claim 19.

The Examiner states that claim 25 "does not have support for '0-5 generations'". Applicant traverses this rejection. Applicant asserts the specification provides adequate written description for the claimed language:

Pedigree breeding starts with the crossing of two genotypes, each of which may have one or more desirable characteristics that is lacking in the other or which complements the other. If the two original parents do not provide all the desired characteristics, other sources can be included in the breeding population. In the pedigree method, superior plants are selfed and selected in successive generations. In the succeeding generations the heterozygous condition gives way to homogeneous lines as a result of self-pollination and selection. Typically in the pedigree method of breeding five or more generations of selfing and selection is practiced: $F_1 \rightarrow F_2$; $F_2 \rightarrow F_3$; $F_3 \rightarrow F_4$; $F_4 \rightarrow F_5$, etc. Specification, p. 4.

It is also important to note that after five or more backcross generations with selection for the desired trait, the progeny will be homozygous for loci controlling the characteristic being transferred, but will be like the superior parent. *See* specification, p. 4. Applicant respectfully submits that one skilled in art would recognize that Applicant has adequately described claim 25.

Furthermore, in an effort to expedite prosecution Applicant has amended claim 25 in a manner which has obtained allowance from the Supervisory Patent Examiner, Anne Marie

Grunberg, as has been evidenced in analogous allowed and issued Pioneer Hi-Bred Int'l, Inc. inbred continuation cases. Moreover, Applicant is aware that in view of a meeting with the Group Director in July 2006, the Examiner's were informed that the present claim set, including claim 25, was in proper form and would be allowable as has been evidenced in analogous allowed and issued Pioneer Hi-Bred Int'l, Inc. inbred continuation cases. Applicant respectfully requests this rejection be alleviated in light of the above statements.

The Examiner further states that claims "there is no support for step (c) of claim 30.

Although not acceding to the Examiner's rejection, in an effort to expedite prosecution, Applicant has amended claim 30 in a manner which has obtained allowance from the Supervisory Patent Examiner, Anne Marie Grunberg, as has been evidenced in analogous allowed and issued Pioneer Hi-Bred Int'l, Inc. inbred continuation cases. Moreover, Applicant is aware that in view of a meeting with the Group Director in July 2006, the Examiner's were informed that the present claim set, including claim 30, was in proper form and would be allowable as has been evidenced in analogous allowed and issued Pioneer Hi-Bred Int'l, Inc. inbred continuation cases. Thus, Applicant respectfully requests this rejection be alleviated in light of the amendment and the above statements.

One skilled in the art would thus recognize that Applicant has fully described and fully satisfied the legal standards of written description for claims 7-10, 19-22, 25 and 30 as of the filing date of the application. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the written description rejections under 35 U.S.C. §112, first paragraph.

C. Enablement regarding Claims 7-10

Claims 7-10 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. *See* Office Action, pp. 10-11.

The Examiner states that claim 7 is not enabled. Applicant traverses this rejection. Applicant asserts that claim 7 is adequately described and further enabled as evidenced by the statements described *supra*. Further, Applicant is aware that in view of a meeting with the Group Director in July 2006, the Examiner's were informed that the present claim set, including claim 7, was in proper form and would be allowable as has been evidenced in analogous allowed and issued Pioneer Hi-Bred Int'l, Inc. inbred continuation cases. Applicant respectfully requests this rejection be alleviated in light of the above statements

Applicant further asserts that dependent claims 8-10 are also adequately described and enabled. The Examiner does not provide explanation as to why these claims are not enabled. Nevertheless, Applicant maintains the arguments described *supra* also apply to dependent claims 8-10. Moreover, Applicant is aware that in view of a meeting with the Group Director in July 2006, the Examiner's were informed that the present claim set, including claims 8-10, was in proper form and would be allowable as has been evidenced in analogous allowed and issued Pioneer Hi-Bred Int'l, Inc. inbred continuation cases. Applicant respectfully requests this rejection be alleviated in light of the above statements.

Accordingly, Applicant submits that claims 7-10 are fully enabled and have fully satisfied the legal standards for enablement. Applicant respectfully requests reconsideration and withdrawal of the enablement rejections under 35 U.S.C. § 112, first paragraph.

Rejections Under 35 U.S.C. §§ 102(b)/103(a)

Claim 16 is rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Johnson (U.S. Patent No. 5,859,355). The Examiner states that "seed may have been produced from a method different from those of the instantly claimed seed. However the instantly claimed products do not appear to differ from the products taught by the reference". *See* Office Action, pp. 11-12.

Although not acceding to the Examiner's rejection, in an effort to expedite prosecution, claim 16 has been canceled, thus alleviating this rejection. Applicant respectfully requests the Examiner withdraw the rejections to claim 16 under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a) as obvious over Johnson (U.S. Patent No. 5,859,355).

Request for Information under 37 C.F.R. § 1.105

The Examiner has made a Request for Information under 37 C.F.R. § 1.105. The Examiner states the requested information is "required to make a meaningful and complete search of the prior art". *See* Office Action– Request for Information Under 37 C.F.R. § 1.105, pp. 14-16.

Applicant provides answers to each of the Examiner's interrogatories discussed *infra*.

The Examiner begins by asking firstly, what were the original parental maize lines used to produce maize inbred line PH3PV? Please supply information pertaining to the lineage of the

original parental lines back to any publicly available varieties. PHTD5 and PHTE7. Information pertaining to the lineage of the original parental lines is available within the PVP Application No. 200100251, attached as Appendix 1.

Secondly, what method and steps were used to produce maize inbred line PH3PV? Pedigree selection method produced by selfing and selection for 7 generations.

Third, have any of said parental maize lines or progeny therefrom been disclosed or made publicly available?

a. The parental maize line PHTD5 was previously disclosed or made publicly available in PVP Certificate No. 9400095 and U.S. Patent No. 5,527,986. The parental maize line PHTE7 was previously disclosed or made publicly available in PVP Certificate No. 9500215.

b. No other progeny of the parental cross PHTD5/PHTE7 was previously publicly disclosed or made publicly available by Applicant prior to the earliest priority date.

Fourth, were any other maize lines produced by said method using said original parental maize lines, and if so, have said produced maize lines been publicly available or disclosed? If so, under what designation/denomination and under what conditions were said other maize lines disclosed or made publicly available? No other maize line using the same F1 cross has been produced by said method using said original parental maize lines at or before the time of filing of the instant application.

In light of the above remarks, Applicant respectfully requests reconsideration and compliance with the interrogatories under the Request for Information under 37 C.F.R. § 1.105.

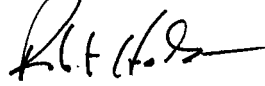
Conclusion

In conclusion, Applicant submits in light of the above amendments and remarks, the claims as amended are in a condition for allowance, and reconsideration is respectfully requested. If it is felt that it would aid in prosecution, the Examiner is invited to contact the undersigned at the number indicated to discuss any outstanding issues.

Please consider this a two month extension of time from December 7, 2006 to February 7, 2007, under the provision of 37 C.F.R. § 1.136(a) and charge Deposit Account No. 26-0084 for the amount of \$450.00. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any fees inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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- RAH/LATA/bjh -

Attorneys of Record



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pioneer Hi-Bred International, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF. AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW. NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

CORN, FIELD

'PH3PV'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this twenty third day of May, in the year two thousand and

Attest:



Commissioner

Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

APPENDIX 1

REPRODUCE LOCALLY. Include form number and date on all reproductions.

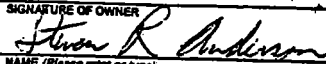
FORM APPROVED - OMB NO. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER Pioneer Hi-Bred International, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER	3. VARIETY NAME PH3PV
4. ADDRESS (Street and No. or RFD No., City, State and Zip Code, and Country) 7301 NW 62nd Avenue P.O. Box 85 Johnston, IA 50131-0085		5. TELEPHONE (include area code) 515/270-4051	FOR OFFICIAL USE ONLY PVPO NUMBER
		6. FAX (include area code) 515/253-2125	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation	8. IF INCORPORATED, GIVE STATE OF INCORPORATION IOWA	9. DATE OF INCORPORATION March 5, 1999	FILING DATE 8-8-2001
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION (FIRST PERSON LISTED WILL RECEIVE ALL PAPERS) Steven R. Anderson Research and Product Development P.O. Box 85 Johnston, IA 50131-0085			FILING & EXAMINATION FEES: \$ 2705.00 DATE 8-8-01 CERTIFICATION FEE: \$ 432.00 DATE 5/12/03
11. TELEPHONE (include area code) 515/270-4051	12. FAX (include area code) 515/253-2125	13. E-MAIL Steven.Anderson@Pioneer.com	14. CROP KIND NAME (Common name) CORN
15. GENUS AND SPECIES NAME OF CROP Zea Mays		16. FAMILY NAME (Botanical) Gramineae	17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of the Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2500 viable untreated seeds or, for tuber propagated varieties verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,450), made payable to "Treasurer of the United States" (Mail to Plant Variety Protection Office)		19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 43(a) of the Plant Variety Protection Act. <input type="checkbox"/> YES (If "yes", answer Items 20 and 21 below) <input checked="" type="checkbox"/> NO (If "no", go to item 22)	
		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO	
		21. IF "YES" TO ITEM 20, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U.S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse)		23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
24. The owner(s) declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is(are) informed that false representation herein can jeopardize protection and results in penalties.			
SIGNATURE OF OWNER 		NAME (Please print or type) Steven R. Anderson	
CAPACITY OR TITLE Research Scientist		DATE 8-01-01	

SAT-470 (06-98) DESIGNED BY THE Plant Variety Protection Office with WordPerfect 6.0a. Replaces STD-470 (03-98) which is obsolete. (See reverse for instructions and information collection burden statement)

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INSTRUCTIONS

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed Exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$2,450 (\$30 filing fee and \$2,150 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 500, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. DO NOT use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$320 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301)504-5518

FAX: (301)504-5291

Homepage: <http://www.ams.usda.gov/science/pvp.htm>

ITEM

- 18a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) evidence of uniformity and stability; and (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified.
- 18b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties: (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 18c. Exhibit C forms are available from the PVPO for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 18d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant disease resistance, etc.
- 18e. Section 52(5) of the Act required applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
19. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant may NOT reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, applicant may change the choice. (See *Regulations and Rules of Practice, Section 7.103*).
22. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
23. See Section 5.5 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

11/01/2000, United States and Canada

23. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent)).

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of Regulations and Rules of Practice.)

To avoid conflict with other variety names in use, the applicant should check the variety names proposed by contacting: Seed Branch, AMS, USDA, Room 213, Building 306, Beltsville Agricultural Research Center—East, Beltsville, MD 20705. Telephone: (301) 504-8089.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate of any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7830, Jamie L. Whitten Building, Washington, D.C. 20250. When replying, refer to OMB No. 0581-0055 and form number in your letter. Under the PRA of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact the USDA Office of Communications at (202) 720-2791. To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call (202) 720-7327 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.

S&T-470 (06-98) DESIGNED BY THE Plant Variety Protection Office with WordPerfect 8.0a. Replaces STD-470 (03-96) which is obsolete. (See reverse for instructions and information collection burden statement)

2

Exhibit A. Origin and Breeding History

Pedigree: PHTD5/PHTE7)XA53112X

Pioneer Line PH3PV, *Zea mays L.*, a dent corn inbred, was developed by Pioneer Hi-Bred International, Inc. from the single cross hybrid PHTD5 (Certificate No. 9400095) X PHTE7 (PVP Certificate No. 9500215) using the pedigree method of plant breeding. Varieties PHTD5 and PHTE7 are proprietary inbred lines of Pioneer Hi-Bred International, Inc. Selfing was practiced from the above hybrid for 7 generations using pedigree selection. During line development, crosses were made to inbred testers for the purpose of estimating the line's combining ability. Yield trials were grown at Moorhead, Minnesota as well as other Pioneer research locations. After initial testing, additional hybrid combinations have been evaluated and subsequent generations of the line have been grown and hand-pollinated with observations again made for uniformity.

Variety PH3PV has shown uniformity and stability for all traits as described in Exhibit C - "Objective Description of Variety". It has been self-pollinated and ear-rowed 5 generations with careful attention paid to selection criteria and uniformity of plant type to assure genetic homozygosity and phenotypic stability. The line has been increased both by hand and in isolated fields with continued observations for uniformity and stability, and for 3 generations during the final stages of inbred development and seed multiplication. Very high standards for genetic purity have been established morphologically using field observations and electrophoretically using sound lab molecular marker methodology.

No variant traits have been observed or are expected in PH3PV.

The criteria used in the selection of PH3PV were yield, both per se and in hybrid combinations; late season plant health, grain quality, stalk lodging resistance, and kernel size, especially important in production. Other selection criteria include: ability to germinate in adverse conditions; number of tillers, especially important in production because having numerous tillers increases hybrid production costs spent on detasseling; disease and insect resistance; pollen yield and tassel size.

Exhibit A: Developmental history for PH3PV

Season/Year Pedigree Grown	Inbreeding Level of Pedigree Grown
SUMMER/1991: PHTD5, PHTE7	F0
WINTER/1992: PHTD5/PHTE7	F1
SUMMER/1993: PHTD5/PHTE7)X	F2
SUMMER/1994: PHTD5/PHTE7)XA5	F3
WINTER/1995: PHTD5/PHTE7)XA53	F4
SUMMER/1996: PHTD5/PHTE7)XA531	F5
WINTER/1996: PHTD5/PHTE7)XA5311	F6
SUMMER/1997: PHTD5/PHTE7)XA53112	F7
Seed: PHTD5/PHTE7)XA53112X	F8

*PH3PV was selfed and ear-rowed from F3 through F7 generation.

#Uniformity and stability were established from F5 through F8 generation and beyond when seed supplies were increased.

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Exhibit B. Novelty Statement

Variety PH3PV mostly resembles Pioneer Hi-Bred International, Inc. proprietary inbred line PHTD5 (PVP Certificate No. 9400095). Husk tightness and shank position scores were collected primarily in Johnston, Ankeny, and Dallas Center, IA.

Variety PH3PV has a higher shank position score (3 vs 1) than PHTD5 (Shank position scores 1-3 where 1 =upright and 3 =drooping or pendulum position).

Variety PH3PV has a higher husk tightness score (5 vs 3) than PHTD5 (1-9 scale where 1 =very loose husk and 9 =very tight husk).

5

United States Department of Agriculture, Agricultural Marketing Service
Science Division, Plant Variety Protection Office
National Agricultural Library Building, Room 500
Beltsville, MD 20705

Objective Description of Variety
Corn (*Zea mays* L.)

Name of Applicant (s) Pioneer Hi-Bred International, Inc.		Variety Seed Source	Variety Name or Temporary Designation PH3PV	
Address (Street & No., or RFD No., City, State, Zip Code and Country) 7301 NW 62nd Avenue, P.O. Box 85, Johnston, Iowa 50131-0085			FOR OFFICIAL USE PVP0 Number	
Place the appropriate number that describes the varietal characters typical of this inbred variety in the spaces below. Right justify whole numbers by adding leading zeroes if necessary. Completeness should be striven for to establish an adequate variety description. Traits designated by an "*" are considered necessary for an adequate variety description and must be completed.				
COLOR CHOICES (Use in conjunction with Munsell color code to describe all color choices: describe #25 and #26 in Comments section):				
01=Light Green	06=Pale Yellow	11=Pink	16=Pale Purple	21=Buff
02=Medium Green	07=Yellow	12=Light Red	17=Purple	22=Tan
03=Dark Green	08=Yellow Orange	13=Cherry Red	18=Colorless	23=Brown
04=Very Dark Green	09=Salmon	14=Red	19=White	24=Bronze
05=Green-Yellow	10=Pink-Orange	15=Red & White	20=White Capped	25=Variegated (Describe)
				26=Other (Describe)
STANDARD INBRED CHOICES				
(Use the most similar (in background and maturity) of these to make comparisons based on grow-out trial data):				
Yellow Dent Families:		Yellow Dent (Unrelated):		Sweet Corn:
Family	Members			
B14	CM105, A632, B64, B68	Co109, ND246,		C13, Iowa5125, P39, 2132
B37	B37, B76, H84	Oh7, T232,		
B73	N192, A679, B73, NC268	W117, W153R,		Popcorn:
C103	Mo17, Va102, Va35, A682	W18BN		SG1533, 4722, HP301, HP7211
Oh43	A619, MS71, H99, Va26	White Dent:		Pipcorn:
WF9	W64A, A554, A654, Pa91	C166, H105, Ky228		Mo15W, Mo16W, Mo24W

Groups on Lyrics/Oborn/Graus/78-99PVP

EXHIBIT C: PH3PV

1. TYPE: (describe intermediate types in Comments section): 2 1=Sweet 2=Dent 3=Flint 4=Flour 5=Pop 6=Ornamental			Standard Variety Name <u>A554</u>		
2. REGION WHERE DEVELOPED IN THE U.S.A.: 2 1=Northwest 2=Northcentral 3=Northeast 4=Southeast 5=Southcentral 6=Southwest 7=Other			Standard Seed Source <u>AMES 19305</u>		
3. MATURITY (In Region of Best Adaptability; show Heat Unit formula in 'Comments' section) DAYS HEAT UNITS <u>066 1,211.0</u> From emergence to 50% of plants in silk <u>068 1,248.3</u> From emergence to 50% of plants in pollen <u>005 0,097.7</u> From 10% to 90% pollen shed From 50% silk to optimum edible quality From 50% silk to harvest at 25% moisture			DAYS HEAT UNITS <u>065 1,200.3</u> <u>065 1,202.7</u> <u>004 0,092.0</u>		
4. PLANT:			Standard Sample Deviation Size		
<u>178.7</u> cm Plant Height (to tassel tip)			<u>175.3</u> <u>08.14</u> <u>03</u>		
<u>063.3</u> cm Ear Height (to base of top ear node)			<u>060.3</u> <u>06.66</u> <u>03</u>		
<u>013.9</u> cm Length of Top Ear Internode			<u>013.0</u> <u>01.25</u> <u>03</u>		
<u>0.0</u> Average Number of Tillers			<u>0.0</u> <u>00.00</u> <u>03</u>		
<u>1.0</u> Average Number of Ears per Stalk			<u>0.9</u> <u>00.08</u> <u>03</u>		
<u>3</u> Anthocyanin of Brace Roots: 1=Absent 2=Faint 3=Moderate 4=Dark 5=Very Dark			<u>3</u>		
5. LEAF:			Standard Sample Deviation Size		
<u>07.6</u> cm Width of Ear Node Leaf			<u>06.9</u> <u>00.23</u> <u>03</u>		
<u>76.6</u> cm Length of Ear Node Leaf			<u>66.7</u> <u>02.64</u> <u>03</u>		
<u>05</u> Number of leaves above top ear			<u>05</u> <u>00.64</u> <u>03</u>		
<u>27</u> Degrees Leaf Angle (measure from 2nd leaf above ear at anthesis to stalk above leaf)			<u>23</u> <u>04.28</u> <u>03</u>		
<u>03</u> Leaf Color (Munsell code) <u>5GY34</u>			<u>03</u> <u>5GY44</u>		
<u>1</u> Leaf Sheath Pubescence (Rate on scale from 1=none to 9=like peach fuzz)			<u>1</u>		
Marginal Waves (Rate on scale from 1=none to 9=many)					
Longitudinal Creases (Rate on scale from 1=none to 9=many)-					
6. TASSEL:			Standard Sample Deviation Size		
<u>11</u> Number of Primary Lateral Branches			<u>12</u> <u>00.70</u> <u>03</u>		
<u>25</u> Branch Angle from Central Spike			<u>23</u> <u>08.21</u> <u>03</u>		
<u>43.1</u> cm Tassel Length (from top leaf collar to tassel tip)			<u>48.3</u> <u>04.02</u> <u>03</u>		
<u>5</u> Pollen Shed (rate on scale from 0=male sterile to 9=heavy shed)			<u>8</u>		
<u>11</u> Anther Color (Munsell code) <u>10RP46</u>			<u>07</u> <u>5Y88</u>		
<u>11</u> Glume Color (Munsell code) <u>7.5RP48</u>			<u>01</u> <u>5GY66</u>		
<u>1</u> Bar Glumes (Glume Bands): 1=Absent 2=Present			<u>1</u>		
Application Variety Data			Standard Variety Data		

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7a. EAR (Unhusked Data):

11	Silk Color (3 days after emergence) (Munsell code)	10RP48	11	10RP56
01	Fresh Husk Color (25 days after 50% silking) (Munsell code)	5GY76	01	5GY78
21	Dry Husk Color (65 days after 50% silking) (Munsell code)	5Y92	21	2.5Y8.54
3	Position of Ear at Dry Husk Stage: 1= Upright 2= Horizontal 3= Pendant		3	
4	Husk Tightness (Rate of Scale from 1=very loose to 9=very tight)		6	
2	Husk Extension (at harvest): 1=Short (ears exposed) 2=Medium (<8 cm)		2	
	3=Long (8-10 cm beyond ear tip) 4=Very Long (>10 cm)			

7b. EAR (Husked Ear Data):

	Standard	Sample	Standard	Sample
	Deviation	Size	Deviation	Size
11.7	cm Ear Length	00.58	03	08.7 00.58 03
37.0	mm Ear Diameter at mid-point	01.00	03	37.7 01.15 03
076.3	gm Ear Weight	04.51	03	54.3 07.51 03
14	Number of Kernel Rows	00.00	03	14.0 00.00 03
2	Kernel Rows: 1=Indistinct 2=Distinct		2	
2	Row Alignment: 1=Straight 2=Slightly Curved 3=Spiral		2	
10.7	cm Shank Length	02.89	03	05.7 01.53 03
2	Ear Taper: 1=Slight 2= Average 3=Extreme		2	

8. KERNEL (Dried)

	Standard	Sample	Standard	Sample
	Deviation	Size	Deviation	Size
10.3	mm Kernel Length	00.58	03	09.3 00.58 03
08.0	mm Kernel Width	00.00	03	07.3 00.58 03
04.7	mm Kernel Thickness	00.58	03	04.0 00.00 03
27.0	% Round Kernels (Shape Grade)	12.00	03	72.7 10.21 03
1	Aleurone Color Pattern: 1=Homozygous 2=Segregating		1	
07	Aleurone Color (Munsell code)	1.25Y8.16	07	2.5YR7.12
07	Hard Endosperm Color (Munsell code)	10YR7.14	07	10YR7.12
03	Endosperm Type:		3	
	1=Sweet (Su1) 2=Extra Sweet (sh2) 3=Normal Starch			
	4=High Amylose Starch 5=Waxy Starch 6=High Protein			
	7=High Lysine 8=Super Sweet (se) 9=High Oil			
	10=Other			
26.3	gm Weight per 100 Kernels (unsized sample)	01.15	03	16.67 02.89 03

9. COB:

	Standard	Sample	Standard	Sample
	Deviation	Size	Deviation	Size
21.7	mm Cob Diameter at mid-point	01.53	03	21.0 00.00 03
14	Cob Color (Munsell code)	10R48	14	10R48

JMS 4/8/03

10. DISEASE RESISTANCE (Rate from 1 (most susceptible) to 9 (most resistant);
leave blank if not tested; leave Race or Strain Options blank if polygenic):

A. Leaf Blights, Wilts, and Local Infection Diseases

	Anthracnose Leaf Blight (<i>Colletotrichum graminicola</i>)	
6	Common Rust (<i>Puccinia sorghi</i>)	5
	Common Smut (<i>Ustilago maydis</i>)	
4	Eyespot (<i>Kabatiella zeae</i>)	2
5	Goss's Wilt (<i>Clavibacter michiganense</i> spp. <i>nebraskense</i>)	5
	Gray Leaf Spot (<i>Cercospora zeae-maydis</i>)	
	Helminthosporium Leaf Spot (<i>Bipolaris zeicola</i>) Race _____	
5	Northern Leaf Blight (<i>Exserohilum turcicum</i>) Race _____	3
	Southern Leaf Blight (<i>Bipolaris maydis</i>) Race _____	
	Southern Rust (<i>Puccinia polysora</i>)	
6	Stewart's Wilt (<i>Erwinia stewartii</i>)	7
	Other (Specify) _____	

B. Systemic Diseases

	Common Lethal Necrosis (MCMV and MDMV)	
4	Head Smut (<i>Sphacelotheca reiliana</i>)	6
	Maize Chlorotic Dwarf Virus (MDV)	
	Maize Chlorotic Mottle Virus (MCMV)	
	Maize Dwarf Mosaic Virus (MDMV)	
	Sorghum Downy Mildew of Corn (<i>Peronosclerospora sorghi</i>)	
	Other (Specify) _____	

C. Stalk Rots

Anthracnose Stalk Rot (*Colletotrichum graminicola*)
 Diplodia Stalk Rot (*Stenocarpella maydis*)
 Fusarium Stalk Rot (*Fusarium moniliforme*)
 Gibberella Stalk Rot (*Gibberella zeae*)
 Other (Specify) _____

D. Ear and Kernel Rots

	Aspergillus Ear and Kernel Rot (<i>Aspergillus flavus</i>)	
	Diplodia Ear Rot (<i>Stenocarpella maydis</i>)	
	Fusarium Ear and Kernel Rot (<i>Fusarium moniliforme</i>)	
2	Gibberella Ear Rot (<i>Gibberella zeae</i>)	5
	Other (Specify) _____	

11. INSECT RESISTANCE (Rate from 1 (most susceptible) to 9 (most resistant); (leave blank if not tested):

	Banks grass Mite (<i>Oligonychus pratensis</i>)	
	Corn Worm (<i>Helioverpa zea</i>)	
	Leaf Feeding	
	Silk Feeding	
	mg larval wt.	
	Ear Damage	
	Corn Leaf Aphid (<i>Rhopalosiphum maidis</i>)	
	Corn Sap Beetle (<i>Carpophilus dimidiatus</i>)	
	European Corn Borer (<i>Ostrinia nubilalis</i>)	
6	1st Generation (Typically Whorl Leaf Feeding)	4
2	2nd Generation (Typically Leaf Sheath-Collar Feeding)	2
	Stalk Tunneling	
	cm tunneled/plant	
	Fall Armyworm (<i>Spodoptera frugiperda</i>)	
	Leaf Feeding	
	Silk Feeding	
	mg larval wt.	
	Maize Weevil (<i>Sitophilus zeamais</i>)	
	Northern Rootworm (<i>Diabrotica barberi</i>)	
	Southern Rootworm (<i>Diabrotica undecimpunctata</i>)	
	Southwestern Corn Borer (<i>Diatraea grandiosella</i>)	
	Leaf Feeding	
	Stalk Tunneling	
	cm tunneled/plant	
	Two-spotted Spider Mite (<i>Tetranychus urticae</i>)	
	Western Rootworm (<i>Diabrotica virgifera virgifera</i>)	
	Other (Specify) _____	

12. AGRONOMIC TRAITS:

5	Staygreen (at 65 days after anthesis) (Rate on a scale from 1=worst to excellent)	3
0.0	% Dropped Ears (at 65 days after anthesis)	0.0
	% Pre-anthesis Brittle Snapping	
	% Pre-anthesis Root Lodging	
31.3	Post-anthesis Root Lodging (at 65 days after anthesis)	42.4
4.317.2	Kg/ha Yield of Inbred Per Se (at 12-13% grain moisture)	2.192.6

13. MOLECULAR MARKERS: (0=data unavailable; 1=data available but not supplied; 2=data supplied):

1 Isozymes

0 RFLP's

0 RAPD's

COMMENTS (eg. state how heat units were calculated, standard inbred seed source, and/or where data was collected. Continue in Exhibit D):

CLARIFICATION OF DATA IN EXHIBITS B AND C

Please note the data presented in Exhibit C, "Objective Description of Variety," are collected primarily at Johnston and Ankeny, Iowa. The data in Exhibit B are from comparisons of inbreds grown in the same tests in the adapted growing area of PH3PV and in Johnston and Ankeny, IA. The data in Tables 1A and 1B are from paired comparison t-tests collected in Johnston and Ankeny, IA. These traits collectively show distinct differences between the two varieties.

5/15 10/1/02

The data collected in exhibit C was collected in 2000 for page 1 and 2. There were 3 different planting dates planted for these trials. There are environmental factors that differ from planting date to planting date. Environmental temperature and precipitation differences during the vegetative and grain fill periods can impact plant and grain traits, and are a source of variability. The environmental conditions described above could result in larger standard deviations. The variation associated with environment to environment is normally higher than the variation associated within locations. I have enclosed a table that shows some of the temperature and precipitation values in 2000.

200100251

Exhibit D. Temperature and Precipitation differences from Ankeny, IA

TEMPERATURE

YEAR	MAY	JUN	JULY	AUG	AVERAGE
1994	59.8	70.7	71.9	69.0	67.9
1995	56.2	69.4	74.3	76.9	69.2
1996	56.2	69.3	71.3	70.5	66.8
1997	53.5	70.6	74.1	69.6	67.0
1998	64.7	66.6	74.8	73.5	69.9
1999	60.7	69.7	78.7	70.5	69.9
2000	63.5	68.9	73.2	74.2	70.0

RAINFALL

YEAR	MAY	JUN	JULY	AUG	Total
1994	3.67	5.75	1.71	4.18	15.31
1995	5.04	4.19	2.94	2.87	15.04
1996	8.47	4.35	2.51	2.14	17.47
1997	4.32	3.27	4.10	1.36	13.05
1998	6.46	11.07	5.70	4.96	28.19
1999	6.46	4.54	4.45	6.55	21.85
2000	5.40	5.80	3.16	1.78	16.14

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) PIONEER HI-BRED INTERNATIONAL, INC.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER	3. VARIETY NAME PH3PV
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 7301 NW 62nd AVENUE P.O. BOX 85 JOHNSTON, IA 50131-0085	5. TELEPHONE (include area code) 515-270-4051	6. FAX (include area code) 515-253-2125
7. PVPO NUMBER 1040-0051		

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain: ☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or U.S. based company? ☒ YES ☐ NO
If no, give name of country

10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If original rights to variety were owned by individual(s), is(are) the original owner(s) a U.S. national(s)?
☐ YES ☐ NO If no, give name of country

b. If original rights to variety were owned by a company(ies), is(are) the original owner(s) a U.S. based company?
☒ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (if needed, use reverse for extra space):
PH3PV is owned by Pioneer Hi-Bred International, Inc.

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed final breeding. See section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0501-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint, write Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call 1-800-245-6340 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.

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